

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
STATE OF TEXAS,)	
)	
Plaintiff,)	
and)	
)	
BAYOU CITY WATERKEEPER,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	Civil Action No. 4:18-cv-03368
)	Judge EWING WERLEIN, JR.
CITY OF HOUSTON, TEXAS,)	
)	
Defendant.)	
_____)	

NOTICE OF LODGING OF CONSENT DECREE

On September 20, 2018, Plaintiffs United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), and the State of Texas, on behalf of the Texas Commission on Environmental Quality (“TCEQ”), filed a Complaint against the City of Houston (“City”), Texas, pursuant to Section 309(b) and (d) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d) and provisions of the Texas Water Code (“TWC”). The Complaint seeks injunctive relief and the assessment of civil penalties for two categories of violations related to the sewer system owned and operated by the City: (a) illegal discharges, namely sanitary sewer overflows (“SSOs”), from components of the wastewater collection and transmission system in violation of Section 301(a) of the CWA, 33 U.S.C. §1311(a), provisions of the TWC, and terms and conditions of Texas Pollutant Discharge Elimination System (“TPDES”) permits and (b)

discharges of pollutants from wastewater treatment plants that exceed effluent limits established in the City's TPDES permits in violation of Section 301(a) of the CWA, provisions of the TWC, and terms and conditions of TPDES permits.

At this time, Plaintiffs notify the Court that the United States, Texas and the City have executed a Consent Decree that would resolve the claims alleged in the Complaint. Plaintiffs have lodged the Consent Decree with the Court. Plaintiffs request that the Court take no action on the Consent Decree at this time. Consistent with Department of Justice regulations codified at 28 C.F.R. § 50.7, the United States will publish in the Federal Register a notice that the Consent Decree has been lodged with Court. Similarly, consistent with the TWC § 7.110, the Office of the Attorney General of Texas will publish in the Texas Register a notice that the Consent Decree has been lodged with the Court. Each notice will solicit public comment on the Consent Decree for a period of 30 days. No action by the Court is necessary in response to this Notice of Lodging and for the duration of the public comment periods referenced above. After the close of the two comment periods, the United States and the State will evaluate any comments received and will thereafter request the Court to take appropriate action regarding the Consent Decree. The Consent Decree is attached hereto as Exhibit A.

Respectfully submitted,

FOR THE UNITED STATES

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Environment and Natural Resources
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U.S. Department of Justice

s/ Nathaniel Douglas

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ATTORNEYS FOR THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2019, a copy of the foregoing Notice of Lodging of Consent Decree was filed electronically with the Clerk of Court using the CM/ECF system. I also certify that I caused this filing to be served by e-mail and U.S. Mail on the following counsel:

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